



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,504	10/07/2003	Takashi Miyoshi	17104	5503
23389	7590	09/29/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,504	MIYOSHI ET AL.	
	Examiner	Art Unit	
	William B. Perkey	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 19 and 26 is/are allowed.
- 6) Claim(s) 1-4,8,12-18 and 20-25 is/are rejected.
- 7) Claim(s) 5-7 and 9-11 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-07-03, 11-21-03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,8,12-18,20,21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Seo (U.S. Patent Application Publication number 2003/0072570 A1).

Seo shows a 3-D camera having a photographing unit 10; and a projecting unit 52 in the adapter 50. The fiducial mark generated by the projector 50 is smaller than the overlapped area of viewpoints of the mirrors 59R and 59L. The claims specifying the delimit boundaries are supported by applicants Fig. 16. It is self-evident that the device of Seo necessarily meets the boundaries similar to applicants' Fig. 16. Thus, the claims 1-4,8,12-18,20,22-25 appear to be fully met by Seo.

3. Claims 1,3,13,17,18,20,24,25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Huber et al. (U.S. Patent No. 5,561,526).

Huber et al. discloses a 3-D photography apparatus that includes photography cameras at 17 and 19 and a projecting unit 27. The boundary paths for the cameras and projecting unit correspond to applicants' Fig. 16. Huber et al. fully meets claims 1,3,13,17,18,20,24,25.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3,4,15,16,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi (U.S. Patent Application Publication No. 2002/0118970 A1) in view of Huber et al. (U.S. Patent No. 5,561,526).

Miyoshi shows an adapter for a 3-D camera system showing a photographing unit as elements 10 and 11 and a projecting unit 2 in the adapter 10. Miyoshi shows the claimed invention except for the claimed view angles of the viewpoints and the projection device. Miyoshi does not go into that kind of detail in his disclosure. Huber et al shows a 3-D photography system that shows the projection view angle and the angles of view of the viewpoints. It would have been obvious to one of ordinary skill in the art at the time of applicants invention to adapt similar angles of view for the projector and viewpoints of Miyoshi in order to obtain the desirable feature of having the projection pattern covering the subject and the cameras obtaining a complete image of the desired subject.

Allowable Subject Matter

6. Claims 19 and 26 are allowed.

7. Claims 5-7 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

8. The primary reason for allowance of claims 5-7 is the claim 5 limitation that the view angle of the projecting unit is adjusted in accordance with the overlapped area. The primary reason for allowance of claims 9-11 is the claim 9 limitation that the angle of the illuminating unit is changed in accordance with the overlapped area. The primary reason for allowance of claims 19 and 26 is that these claims contain similar limitations to claims 5-7 and 9-11.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp